

Exhibit B

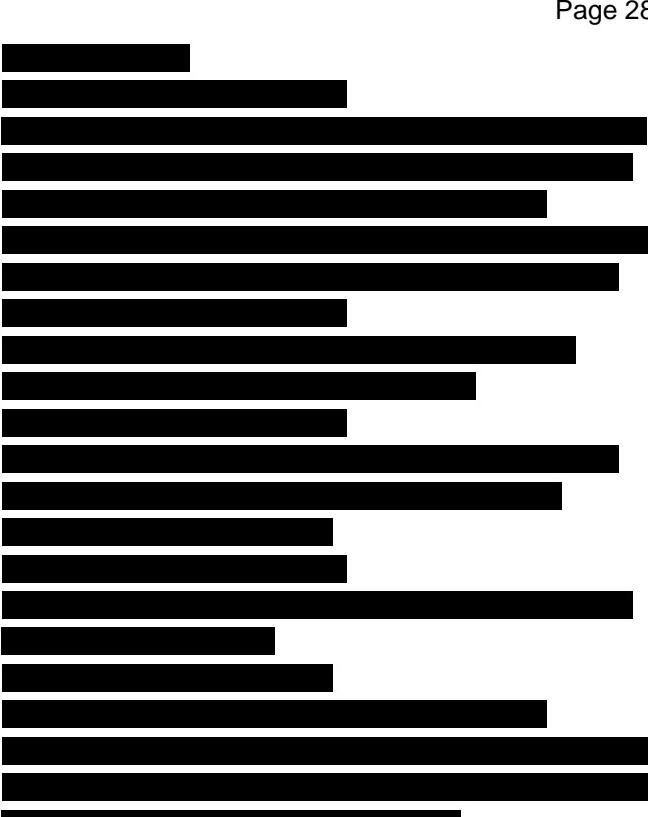
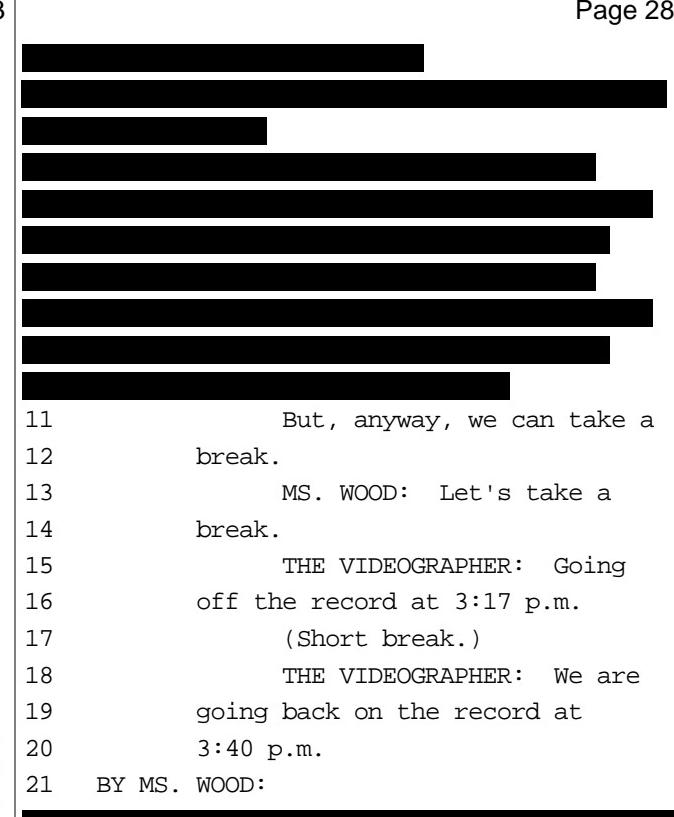


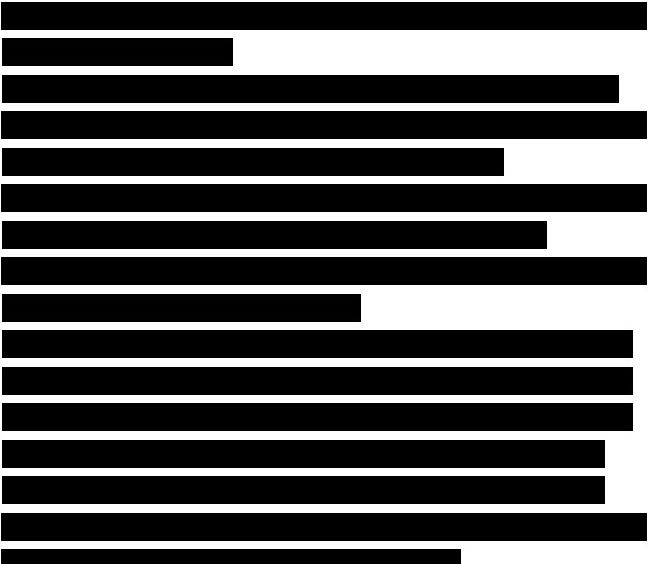
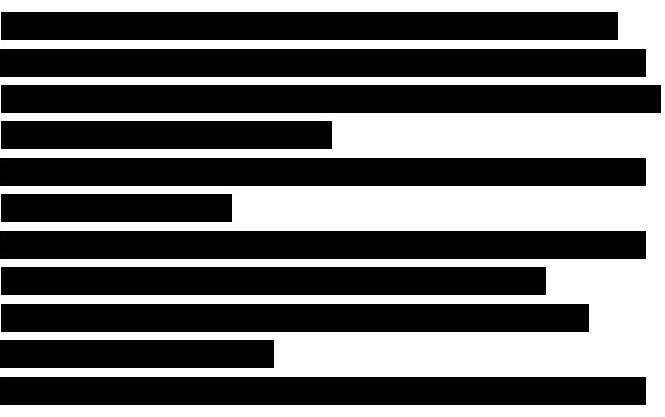
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| <p style="text-align: center;">Page 146</p>  | <p style="text-align: right;">Page 148</p> <p>1 that might have followed by a few 2 additional unstructured interviews. 3 Q. In general, do you consider 4 it to be a best practice to take notes 5 during preliminary interviews? 6 A. No. 7 Q. Why not? 8 A. Well, you know, each person 9 has his or her rules. And many years 10 ago, I noticed that, while being a 11 student, that I often took the time to 12 take notes. And then thinking back, I 13 said, have I ever used those notes. And 14 the conclusion was no, I just don't use 15 notes. And I developed a rule of let's 16 not waste my time and effort taking 17 notes. 18 Q. So that's a rule that you 19 follow, not to take notes? 20 A. You know, it's not written 21 anywhere. Just it's one of those rules 22 that we individuals develop, if you will, 23 over our lifetime. 24 Q. So is the answer to my</p> |
| <p style="text-align: center;">Page 147</p>  <p>13 Q. When you have conducted 14 preliminary interviews in the past, 15 whether for academic or litigation 16 surveys, did you ever take notes? 17 A. You know, I don't recall 18 ever conducting such interviews. I might 19 have, but I just don't recall that. 20 As I said, I typically 21 worked with doctoral students on 22 research. And one of their privileges, 23 if you will, is they handle this kind of 24 work. And then we met to discuss. And</p> | <p style="text-align: right;">Page 149</p> <p>1 question yes, that is a rule you've 2 developed for yourself, not to take 3 notes? 4 MS. DEARBORN: Objection to 5 form. Asked and answered. 6 THE WITNESS: As I said, 7 yeah, based on my experience, I 8 do not take notes. 9 BY MS. WOOD: 10 Q. Part of your academic work 11 has focused on people's propensity to 12 misremember things; is that right? 13 A. Can you point me to a 14 particular article? 15 I published a number of 16 articles. I don't remember apropos all 17 the articles. Maybe you can point to a 18 particular article where I studied people 19 not remembering. 20 Q. Do you have any -- as you 21 sit here now, do you recall publishing 22 any academic work in the field of 23 behavioral economics on how people are 24 subject to missed memories -- mistaken</p> |

| Page 218 | Page 220 |
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| 6 BY MS. WOOD: | |
| 7 Q. Do you do that often? Do | |
| 8 something that you, in other | |
| 9 circumstances, criticize? | |
| 10 MS. DEARBORN: Objection to | |
| 11 form. | |
| 12 THE WITNESS: It's -- might | |
| 13 have happened, depending on the | |
| 14 purpose of what I'm studying. | |
| 15 I mean, I don't -- I | |
| 16 wouldn't include in my actual | |
| 17 surveys flawed questions or | |
| 18 things that I criticized. In | |
| 19 fact, I'm making effort for that | |
| 20 not to happen. Most importantly, | |
| 21 because I believe in what I said. | |
| 22 And if I criticize them for | |
| 23 asking those kinds of questions, | |
| 24 I believe that the wrong thing to | |
| Page 219 | Page 221 |
| 1 say, to ask, and I would not | |
| 2 include that in my surveys. | |
| 3 BY MS. WOOD: | |
| 4 Q. But you have no problem with | |
| 5 asking flawed questions that you've | |
| 6 criticized, as long as you know in | |
| 7 advance that you're not going to keep the | |
| 8 results of those or use the results of | |
| 9 those? | |
| 10 A. Has -- | |
| 11 MS. DEARBORN: Please let | |
| 12 me get an objection in. | |
| 13 Objection to form. | |
| 14 THE WITNESS: It has | |
| 15 nothing to do with keeping the | |
| 16 results or not keeping the | |
| 17 results. It has absolutely | |
| 18 nothing to do with that. | |

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| <p style="text-align: center;">Page 222</p>  | <p style="text-align: right;">Page 224</p> <p>1 a complete run of the survey with a 2 sufficiently large sample and you conduct 3 a survey. And sometimes people may do 4 that because they want to -- to know what 5 the result would be.</p> <p>6 A pretest, I think it often 7 involves a smaller number of respondents, 8 and it's often designed to test whether 9 people, for example, say, I don't 10 understand what the survey is about, or 11 some -- something out of the ordinary 12 that tells you that there is something 13 wrong with the survey.</p> <p>14 Q. How many pretests do you 15 typically conduct for a survey?</p> <p>16 A. You said typically? None.</p> <p>17 Q. And why is that?</p> <p>18 A. In the context of 19 litigation?</p> <p>20 Q. Yes.</p> <p>21 A. In the context of litigation 22 it would be -- you know, sometimes an 23 attorney would say, well -- if you talk 24 about pretest like a pilot sort of --</p> |
| <p style="text-align: center;">Page 223</p>  | <p style="text-align: right;">Page 225</p> <p>1 someone would say, well, I'm curious 2 if -- what you -- can you find 3 respondents and what the results will be. 4 So that will involve, you 5 know -- you know, a significant sample 6 size. So that would be more along the 7 lines of a pilot study. That happens. 8 I -- if someone tells me 9 about that -- let's say someone calls me 10 about a trademark case and say, we -- we 11 want to find out if a survey will show 12 likelihood of confusion. 13 I often say, you know, the 14 threshold for likelihood of confusion is 15 relatively low, let's say 15 percent, 16 which means that there is a -- let's say, 17 in the southern district of New York, I 18 think it's 15 percent. In some places it 19 might be slightly less. 20 It means you need a fairly 21 sizable sample size to find out -- I 22 mean, obviously, if level of confusion is 23 zero or 50 percent, you know, you don't 24 need a large sample.</p> |

| Page 226 | Page 228 |
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| <p>1 But let's say it's in the -- 2 close to the threshold. You need quite a 3 few respondents. And I tell the 4 attorney, it's pointless. Let's design a 5 survey as I think it should be designed 6 and let the chips fall as they may. If 7 the results are what you expect, just -- 8 that will be the survey. I may add even 9 more respondents.</p> <p>10 If the results are not what 11 you expect, then you will -- you will 12 decide what you want to do, but chances 13 are you will decide to hire another 14 expert.</p> <p>15 Because if I would sit at a 16 deposition and someone would ask, are you 17 aware of any other survey that was 18 conducted, I would say yes, because I was 19 involved in a pretest, and I would have 20 to -- and that happens often. That, you 21 know -- usually, if I think beforehand, 22 there's no way the attorney is correct, I 23 just say, let's not waste your client's, 24 you know, time and money. If it's kind</p> | <p>1 time TV for, I don't know, \$5 a month. 2 And that -- they were pretty successful. 3 I believe this case went all the way to 4 the Supreme Court.</p> <p>5 But -- and that was sort of 6 an unusual -- that -- that was a 7 different kind of survey.</p> <p>8 But I normally don't -- 9 don't run pretests. I just design the 10 survey as I think, based on my 11 experience, it should be conducted, and 12 then, as I said, let the chips fall as 13 they may.</p>                      |
| Page 227 | Page 229 |
| <p>1 of not so clear, then I say, okay, let's 2 give it a try.</p> <p>3 And sometimes it is what 4 they expect. Other times it's not what 5 they expect. If it's not what they 6 expect, I guess they tend to hire another 7 expert.</p> <p>8 Q. How many times in litigation 9 have you conducted a survey where you 10 used pretests?</p>               | <p>14 Q. Yes.</p> <p>15 A. Very, very few cases. Very 16 few. I cannot think -- I think there 17 were -- I did some pretests in the Oracle 18 v. Google case.</p> <p>19 I might have done 20 pretests -- I'm not even sure about 21 that -- in a case involving the networks 22 against a company that was mostly in 23 New York, called Aereo -- I think it's 24 spelled A-E-R-E-O -- which offered prime</p> |

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| <p>Page 282</p>  | <p>Page 284</p>  |
| <p>Page 283</p>  | <p>Page 285</p>  <p>11 But, anyway, we can take a 12 break. 13 MS. WOOD: Let's take a 14 break. 15 THE VIDEOGRAPHER: Going 16 off the record at 3:17 p.m. 17 (Short break.) 18 THE VIDEOGRAPHER: We are 19 going back on the record at 20 3:40 p.m. 21 BY MS. WOOD:</p> |

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| <p style="text-align: center;">Page 310</p>  | <p style="text-align: center;">Page 312</p> <p>1 Obviously, the impact of violating 2 double-blind may vary to some extent 3 across surveys. But I completely agree 4 that, in general, double-blind is an 5 important principle.</p> <p>6 Q. And that principle is there 7 in order to ensure objectivity, correct?</p> <p>8 A. In the case -- yeah, in many 9 cases, that's a key reason. Right.</p> <p>10 Q. And, in fact, best practices 11 provide that the survey instrument itself 12 provide no explicit or even implicit 13 clues about the sponsorship, correct?</p> <p>14 MS. DEARBORN: Form.</p> <p>15 THE WITNESS: I think there 16 are many surveys where someone 17 could infer -- especially in 18 litigation but also in 19 academia -- where someone may 20 infer -- for example, if I show 21 you a toaster and it says Black & 22 Decker and I ask you who made 23 this product, I would assume that 24 many people would say it's</p> |
| <p style="text-align: center;">Page 311</p>  | <p style="text-align: center;">Page 313</p> <p>1 probably done for Black & Decker. 2 Why are they showing me Black & 3 Decker toaster.</p> <p>4 So it's unavoidable, to 5 some extent, in many surveys.</p> <p>6 But I completely agree that 7 in general, double-blind is an 8 important principle that I've 9 tried to follow. Certainly 10 not -- I try not to reveal the 11 sponsor or purpose at the 12 beginning of a survey.</p> <p>13 BY MS. WOOD:</p>  |

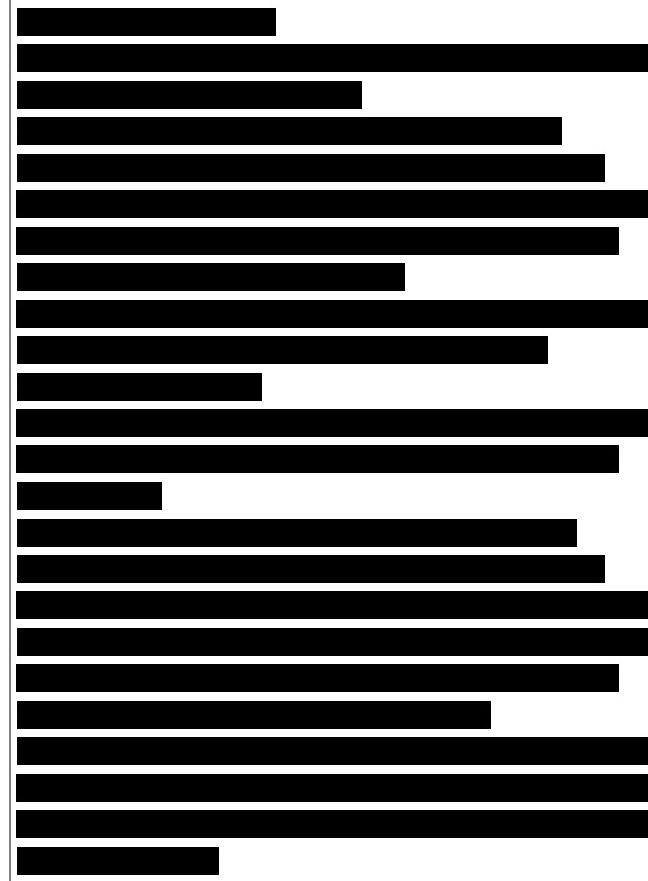
17 BY MS. WOOD:

18 Q. Would you agree that
19 double-blind protocols are standard
20 practice that should be employed in
21 surveys whenever possible?

22 A. Yes. When you start a
23 survey and while respondents answer the
24 questions, it is important to do that.

| | Page 318 | Page 320 |
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| 10 | Q. And what is focalism? | |
| 11 | A. There are many examples. | |
| 12 | For example, if you ask | |
| 13 | people to think about the consequences of | |
| 14 | a particular event, let's say you move | |
| 15 | from, maybe, D.C. D.C., the weather is | |
| 16 | not so bad. But maybe moving from | |
| 17 | Minneapolis to Santa Monica or | |
| 18 | Burlingame, people may overfocus on the | |
| 19 | weather, not -- recognizing there are | |
| 20 | very many happy people in Minneapolis, | |
| 21 | the weather notwithstanding. | |
| 22 | So in other words, people | |
| 23 | sometimes focus on something too much | |
| 24 | and, thereby, overestimate its impact in | |
| | Page 319 | Page 321 |
| 1 | cases involving patterns. | |
| 2 | Sometimes survey experts, | |
| 3 | particularly on behalf of plaintiffs, use | |
| 4 | a technique called conjoint analysis. | |
| 5 | And let's say that it's a | |
| 6 | smartphone, and they present a few | |
| 7 | features that are important, battery | |
| 8 | life, brand name, screen size, important | |
| 9 | attributes like that. And they also | |
| 10 | include something that we probably will | |
| 11 | all agree is much less important. | |
| 12 | But given that it -- this | |
| 13 | less important feature is the focus of | |
| 14 | the study, the conjoint study would tend | |
| 15 | to overestimate its impact in reality. | |
| 16 | So focalism could play different roles in | |
| 17 | different situations. | |

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| 5 Q. What did you do to prepare 6 for this deposition today? 7 MS. DEARBORN: As usual, 8 please set aside the contents of 9 communications with counsel. 10 THE WITNESS: So I reviewed 11 the documents that I have, 12 including my report or reports. 13 Various -- and attachments. 14 I met with counsel. 15 I think that's -- that's 16 what comes to mind. 17 BY MS. WOOD: 18 Q. And how long did you meet 19 with counsel? 20 A. So I think we had a meeting 21 also with the AG team. I think it was 22 sort of a Zoom meeting that might have 23 lasted about two hours. I'm not sure 24 about that. | 1 in preparation for your 2 deposition today. 3 THE WITNESS: Okay. 4 MS. DEARBORN: And -- 5 BY MS. WOOD: 6 Q. Were the documents you 7 reviewed documents that Google's counsel 8 showed to you? You can just answer that 9 yes or no. 10 MS. DEARBORN: You can 11 answer that yes or no. 12 THE WITNESS: Yes. 13 MS. DEARBORN: And, 14 Counsel, I can make a 15 representation that those were 16 not documents that were not 17 produced in this case. 18 MS. WOOD: Okay. In other 19 words, every document he saw had 20 been produced in this case? 21 MS. DEARBORN: Correct. 22 BY MS. WOOD: 23 [REDACTED] |
| | |
| 1 And I think I met with 2 counsel. And there were also people from 3 AG the past two days. I think each 4 meeting lasted, perhaps, maybe four, four 5 and a half hours. 6 Q. Did anyone else, other than 7 the AG team and counsel, participate in 8 those meetings? 9 A. I don't think so. 10 Q. And did you review any 11 documents in connection with your 12 preparation for this deposition that were 13 not produced? 14 A. It's possible. 15 Q. What documents did you 16 review that were not produced? 17 A. I saw an e-mail, internal 18 e-mail, I think from 2018. 19 MS. DEARBORN: Okay. And I 20 don't think that you're entitled 21 to get the contents of documents 22 that were -- that were reviewed. 23 So please don't describe 24 the documents that you reviewed | 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] |

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| <p style="text-align: center;">Page 378</p>  | <p style="text-align: center;">Page 380</p>  |
| <p style="text-align: center;">Page 379</p>  | <p style="text-align: center;">Page 381</p> <p>1 MS. WOOD: Why don't we go 2 off the record.</p> <p>3 MS. DEARBORN: Sure.</p> <p>4 THE VIDEOGRAPHER: Going 5 off the record at 5:34 p.m.</p> <p>6 (Short break.)</p> <p>7 THE VIDEOGRAPHER: We are 8 going back on the record at 9 5:47 p.m.</p> <p>10 MS. WOOD: I am done with 11 my examination, subject to the 12 reservation of rights that I made 13 at the beginning of the 14 examination. But I have no 15 further questions at this time.</p> <p>16 MS. DEARBORN: And yeah, 17 I'll notice that I think you have 18 45 minutes remaining. So we'll 19 meet and confer about it and come 20 to a decision on next steps.</p> <p>21 MS. WOOD: Okay. Great.</p> <p>22 MS. DEARBORN: I do have a 23 few questions for Dr. Simonson.</p> <p>24 MS. WOOD: And I obviously</p> |

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2 ACKNOWLEDGMENT OF DEPONENT

3

4 I, Itamar Simonson, do
5 hereby certify that I have read the
6 foregoing pages, 1 - 393, and that the
7 same is a correct transcription of the
8 answers given by me to the questions
9 therein propounded, except for the
10 corrections or changes in form or
11 substance, if any, noted in the attached
12 Errata Sheet.

13

14

15

I. Simonson

3/28/2024

16

ITAMAR SIMONSON, Ph.D.

DATE

17

18

19 Subscribed and sworn
20 to before me this
_____ day of _____, 20____.

21

My commission expires: _____

22

23 Notary Public

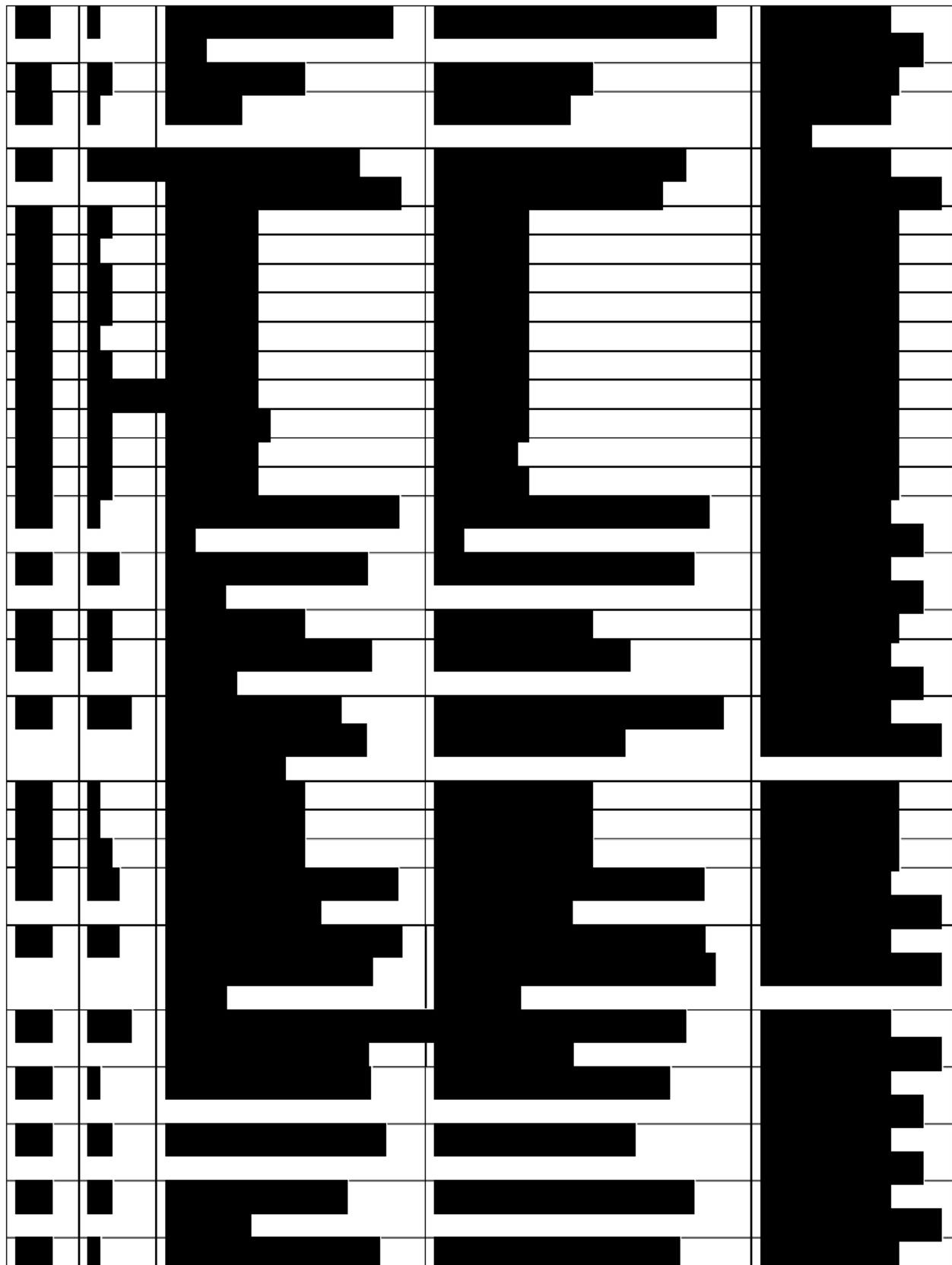
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HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

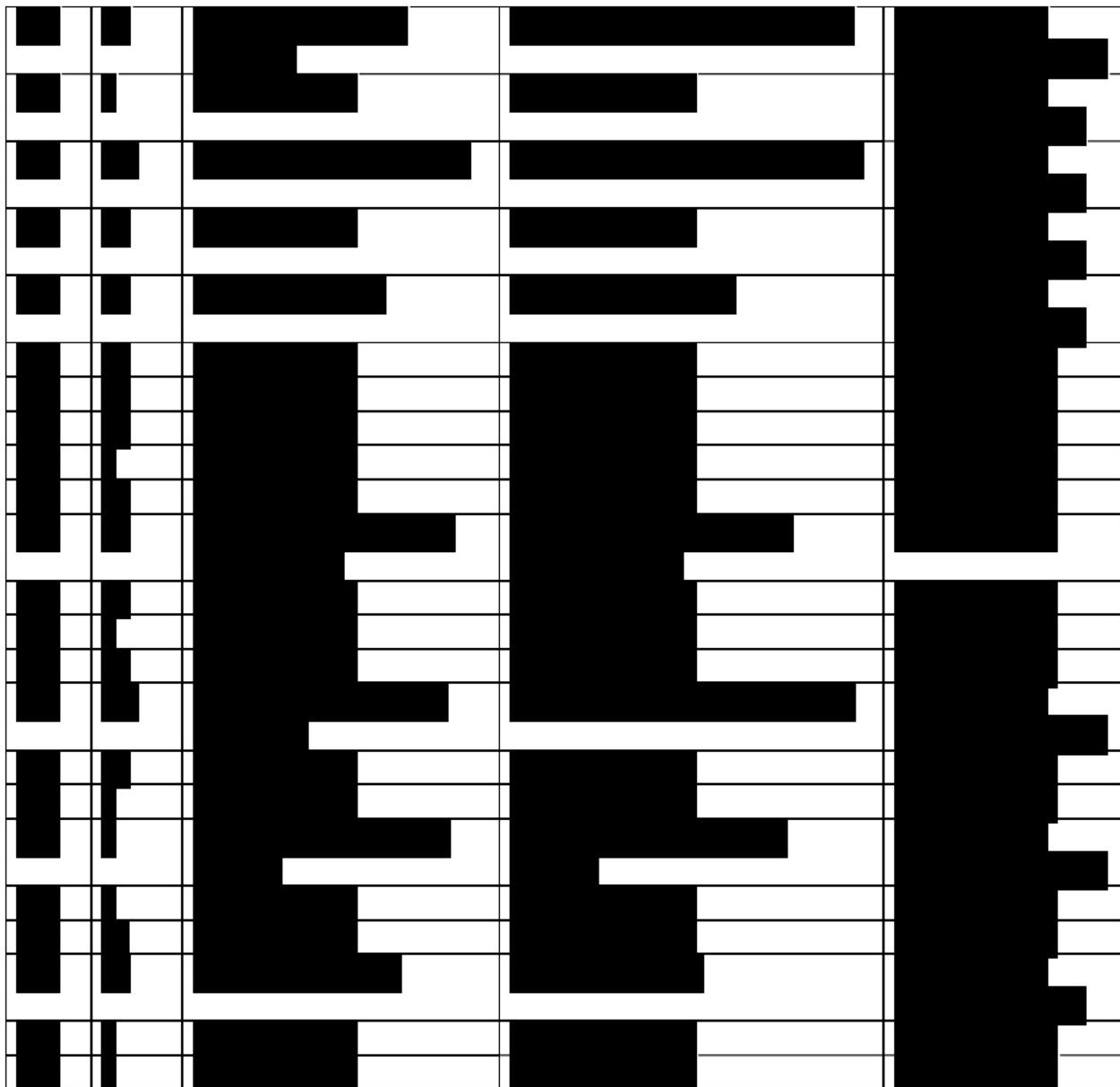
Errata Sheet for the Transcription of Itamar Simonson, Ph.D.**Case Name:** *United States et al v. Google LLC*, No. 1:23-cv-00108-LMB-JFA (E.D. Va.)**Depo. Date:** February 28, 2024**Deponent:** Itamar Simonson, Ph.D.

| Page | Line | Original | Corrected | Reason |
|-------------|-------------|------------------------------|-------------------------------|--------------------------------|
| 2 | 5 | Suite 8700 | Suite 8622 | Transcription Error or Mistake |
| 2 | 7 | “julia.wood@usdoj.gov” | “julia.tarver.wood@usdoj.gov” | Transcription Error or Mistake |
| 4 | 9 | “OFFICDE” | “OFFICE” | Transcription Error or Mistake |
| 20 | 9 | “That will be the Meta” | “That would be the Meta” | Transcription Error or Mistake |
| 25 | 22 | “usually would be” | “usually it will be” | Transcription Error or Mistake |
| 27 | 1 | “will be the company” | “would be the company” | Transcription Error or Mistake |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 34 | 10:11 | “It’s one example” | “Yeah, it’s one example” | Transcription Error or Mistake |
| 45 | 12 | “context effects and choice” | “context effects in choice” | Transcription Error or Mistake |
| 50 | 24 | “should be reserved” | “should be preserved” | Transcription Error or Mistake |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 89 | 9 | “it does apply” | “it does not apply” | Transcription Error or Mistake |
| 89 | 13 | “programatic” | “programmatic” | Spelling Error |
| 91 | 21 | “programatic” | “programmatic” | Spelling Error |
| 92 | 5 | “programatic” | “programmatic” | Spelling Error |
| 92 | 17 | “programatic” | “programmatic” | Spelling Error |
| 101 | 20 | “programatic” | “programmatic” | Spelling Error |
| 101 | 23 | “Programatic” | “Programmatic” | Spelling Error |
| 102 | 13 | “programatic” | “programmatic” | Spelling Error |
| 102 | 21 | “programatic” | “programmatic” | Spelling Error |
| 104 | 16 | “programatic” | “programmatic” | Spelling Error |

HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER



HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER



HIGHLY CONFIDENTIAL**ERRATA SHEET FOR THE TRANSCRIPT OF:**Case Name: *United States et al. v. Google LLC*, No. 1:23-cv-00108 (E.D. Va.)

Deposition Date: 02/28/2024

Deponent: Professor Itamar Simonson

CORRECTIONS

| Page | Line | Change | Reason |
|-------------|-------------|---|---------------------|
| 13 | 18 | The words “list in hindsight. It” should read “list in hindsight, it” | Transcription error |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| 30 | 12 | The word “doctorate” should read “doctoral” | Transcription error |
| 30 | 15 | The word “or” should read “or the” | Transcription error |
| 31 | 10 | The word “receive” should read “received” | Transcription error |
| 31 | 10 | The words “Nobel Prize” should read “the Nobel Prize” | Clarification |
| 34 | 22 | The word “group” should read “groups” | Transcription error |
| 37 | 18 | The word “likely” should read “likelihood of” | Transcription error |
| 43 | 4 | The words “ranked ordered” should read “rank ordered” | Transcription error |
| 44 | 16 | The word “decisionmaking” should read “decision making” | Transcription error |
| 44 | 21 | The word “decisionmaking” should read “decision making” | Transcription error |
| 44 | 24 | The words “much better and rely” should read “much better at relying” | Transcription error |
| 46 | 10 | The word “Are” should read “They’re” | Transcription error |
| 47 | 10 | The words “work for” should read “work for a” | Clarification |
| 47 | 10 | The word “firm” should read “firm?” | Transcription error |
| 52 | 21 | The words “there’s, like” should read “that’s like” | Transcription error |
| 55 | 21 | The words “testify about” should read “testify about it” | Transcription error |

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|------------|------------|------------|------------|
| | | [REDACTED] | |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
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| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] | [REDACTED] |

I have inspected and read my deposition and have listed all changes and corrections above, along with my reasons therefor.

Date : 3/28/2024

I. Simonson

Itamar Simonson, Ph.D.